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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 27th July, 1984:—

BILL No. 47 OF 1984

A Bill to provide for adequate safety measures to labourers on construction sites.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Provision of Adequate Safety Measures for Labourers on Construction Sites Act, 1984.

Short
title,
extent and
commence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires —

Definitions.

(a) "Government" means and includes—

(i) the Central Government in relation to Union territories and the organisations, undertakings or agencies under the control of the Central Government; and

(ii) the State Government in relation to a State and the organisations, undertakings or agencies under the control of the State Government;

(b) "private agency" means and includes all persons/bodies, other than public bodies, which undertake construction work.

Provision
of ade-
quate
safety
measures.

3. It shall be the duty of the Government or the private agencies, as the case may be, to provide adequate safety measures, in accordance with the norms laid down by the Inspectorate of Construction works under section 5, to labourers engaged in construction work undertaken by the Government or private agencies respectively, as the case may be.

Setting up
of Inspec-
torate
of Con-
struction
Works.

4. (1) The Central Government shall set up an Inspectorate of Construction Works, hereinafter called the Inspectorate, with its Head-Office at New Delhi and Regional Offices in the capital of every State.

(2) The Inspectorate shall have such number of engineers, safety experts and other staff as may be determined by the Central Government.

Norms of
safety to
be laid
down by
Inspector-
ate.

5. The Inspectorate shall lay down norms of safety to be observed by the Government and private agencies, which undertake construction work, in providing safety measures for the labourers engaged by them on construction work.

List of
Safety
measures
to be sub-
mitted.

6. Every Government and private agency which undertakes construction work shall submit to the Inspectorate a detailed list of safety measures provided by it at the construction site before the actual construction work starts on the site.

Inspections
by Inspec-
torate.

7. Inspectorate shall make surprise inspections at construction sites and take steps to enforce provision of adequate safety measures in accordance with the norms laid down by the Inspectorate under section 5 and such other measures considered to be necessary keeping in view the nature of construction work and the circumstances prevailing at the construction site.

Investiga-
tion by
Inspector

8 The Inspectorate shall conduct an investigation in every case where an accident takes place at the construction site and make a detailed report to the Government.

Punish-
ment to
construction
agency.

9. (1) The Government shall take suitable action to punish the agencies, whether Government or private, in every case where an accident at construction site results in injury to or loss of life of construction labour because of inadequate safety measures or negligence of the construction agency in any way.

(2) The construction agency, whether Government or private, shall be punishable with such fine as may be determined by the Government in consultation with the Inspectorate, and the officers or persons in charge of the construction work and/or the persons who have legally undertaken to execute the construction work in the name of the Government or private agency concerned shall be personally liable to imprisonment for a term which may extend to three years.

10. (1) A labourer who suffers an injury while engaged on construction work shall be paid a compensation by the construction agency.

Compensation to labourers.

(2) The next of kin, of a labourer who dies while engaged on construction work, shall be paid a compensation by the construction agency.

(3) The compensation payable under sub-sections (1) and (2) shall be such as may be determined by the Court subject to a minimum of rupees five thousand in case of an injury resulting in permanent disablement and rupees ten thousand in case of death:

Provided that an ex gratia compensation of rupees one thousand in case of injury resulting in disablement and rupees three thousand in case of death shall be paid immediately to the labourer or to the next of kin, as the case may be, by the construction agency concerned.

STATEMENT OF OBJECTS AND REASONS

The recent tragedies involving death of innocent labourers at the construction sites or digging of deep sewers have become the cause of grief for crores of people of our country and abroad. In fact, there could be nothing more shocking. From July 1983 to February, 1984, about 21 lives of labourers were lost in building accidents in Delhi alone. The recent tragedy of ghastly deaths of labourers in the State Trading Corporation Building in Delhi where a part of steel scaffolding collapsed should be an eye-opener and needs immediate remedial action.

In all these tragedies a collousness on the part of the agencies involved is clear. It is a fact that most government as well as private contractors do not bother to ensure that the large number of workers employed at construction sites or digging deep nalahs are well protected and are not exposed to risks.

Enhancements of grants or payment of *ex gratia* grants to the families of the deceased is not sufficient to those who have lost their bread winners. Registration of criminal cases against the defaulting contractors is also not enough. What is required is an enactment which could impose legal restraint on such contractors who neglect their basic duty for providing adequate facilities against the risks involved. There should also be a deterrent action by the State.

Hence this Bill.

NEW DELHI;
March 22, 1984.

BHEEKHABHAI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up of an Inspectorate of Construction Works by the Central Government with its Head-Office at New Delhi and Regional Offices, in the Capital of every State. The Inspectorate shall be provided with such number of engineers, safety experts and other staff as may be determined by the Central Government. Clause 10 provides for payment of compensation by construction agencies. Under the provisions of the Bill a Government agency, such as C.P.W.D., may also be liable to pay compensation. The Bill, therefore, if enacted is likely to involve a recurring annual expenditure of about Rs. 25 lakhs from the Consolidated Fund of India.

A non-recurring expenditure of about Rs. 50 lakhs is also likely to be incurred from the Consolidated Fund of India on implementation of the provisions of the Bill.

BILL No. 53 OF 1984

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1984.

Short
title.

2. In the Seventh Schedule to the Constitution,—

Amend-
ment of
Seventh
Sche-
dulo.

(i) In list I—Union List, entry 97 shall be omitted; and

(ii) In List II—State List, after entry 66, the following entry shall be inserted, namely:—

“67. Any other matter not enumerated in List I or List III including any tax not mentioned in either of those lists.”

STATEMENT OF OBJECTS AND REASONS

The Constitution which finally emerged after Independence, although described as federal in character, contains essentially strong and predominant elements of Unitary System. It clothed the Centre with more powers at the expense of the rights of the States. This is revealed by the fact that the Concurrent List has as many as 47 items. Over and above, there has been a persistent tendency to make inroads into the powers of the States, whatsoever left with the States.

It is necessary to halt this trend in the interest of preservation of the unity and integrity of the country within the frame work of linguistic, cultural and other diversities.

The transfer of residuary powers to the States from the Centre would contribute towards reversal of the trend.

Hence this Bill.

NEW DELHI;
April 6, 1984.

CHITTA BASU.

BILL NO. 54 OF 1984

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1984. Short
title and
commence-
ment.
- (2) It shall come into force at once.
2. In article 123 of the Constitution, in clause (1), for the words "both Houses of Parliament are in session", the words "both or either of the Houses of Parliament are in session" shall be substituted. Amend-
ment of
article
123.
3. In article 213 of the Constitution, in clause (1), for the words "both Houses of the Legislature are in session", the words "both or either of the Houses of the Legislature are in session" shall be substituted. Amend-
ment of
article
213.

STATEMENT OF OBJECTS AND REASONS

Article 123 of the Constitution empowers President to promulgate Ordinances. Article 213 similarly empowers the Governors of the States to promulgate Ordinances. These articles also specify the conditions under which the President and the Governors may promulgate such Ordinances.

The spirit of the Constitution is that Ordinance making powers should not be invoked when the Parliament or the State Legislatures are in session. Ordinances are in essence laws made by the Executive. Resort to this kind of law making should be made only in extra-ordinary situation and should not be taken resort to with the intention of by passing the Parliament or the State Legislatures.

The Government sometimes resorts to this method of law making arbitrarily, even on the eve of the Parliament's Session. Gross arbitrariness has been shown when the President promulgated the National Security (Amendment) Ordinance, 1984, on the 5th April, 1984, when the Lok Sabha was in session and the Rajya Sabha was summoned to meet on the 23rd April, 1984, taking advantage of the loophole in the existing article of the Constitution under which an Ordinance can be promulgated even if one of the Houses is in Session. This indicates the drive towards authoritarianism and contributes towards further erosion of the rights of Parliament. Growing trend of executive fiat needs to be halted.

The Bill aims at plugging this loophole.

NEW DELHI;
April 9, 1984.

CHITTA BASU.

BILL NO. 48 OF 1984

A Bill to provide for banning all communal parties functioning all over India.

Be it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Banning of Communal Parties in India Act, 1984.

Short
title,
extent
and
com-
mence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires, "communal party" means a party based on religious community and sectional appeal to serve its communal interest and whose activities are against the interests of the nation.

Definition

3. All communal parties, at present functioning in various States, are hereby banned.

Communal
parties
to be
banned.

4. The use of religion and places of worship for political purposes is hereby banned.

Use of
religion
and
religious
places
for
poli-
tical
purposes
to be
banned

STATEMENT OF OBJECTS AND REASONS

Communal forces are creating disintegration in the country and disaffection among various communities. Some parties have taken to exploiting religious sentiments for political ends and are pressing various claims as members of different communities rather than as Indians.

There should be all the freedom of association and expression in a democracy, but there can be no freedom to subvert the secular character of our polity or to imperil the country's unity and integrity. For a sustained political, social and economic growth of our nation, it is necessary that the entry of religious and communal organisations in the field of politics and use of places of worship for political purposes be banned.

The Bill seeks to achieve the above objective.

NEW DELHI;
April 23, 1984.

G. S. NIHAL SINGH WALA

SUBHASH C. KASHYAP,
Secretary-General.